

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

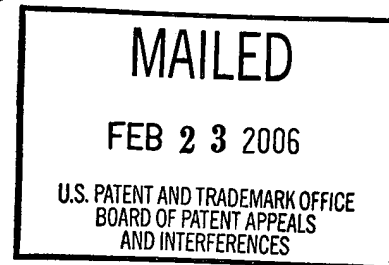
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: WOLFGANG BACHMANN,
GERHARD KRUMP, HANS-JURGEN REGL
and ANDREAS ZIGANKI

Application No. 09/700,139

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 26, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.



EXAMINER'S ANSWER

The Examiner's Answer mailed March 24, 2005, introduces a new ground of rejection to Claims 2 and 4 under 35 U.S.C. 103(a) as being unpatentable over Azima (6,003,766) as applied to claim 1 in view of Azima (6,332,029).

Any new ground of rejection made by an examiner in an examiner's answer must be approved by a Technology Center (TC) Director or designee (see MPEP 1207.05). SPE Sinh Tran and SPE Fan Tsang have not been authorized as a designee.

Accordingly, it is

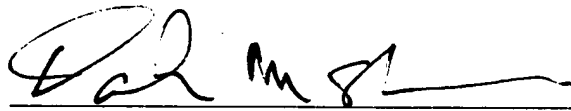
Ordered that the application is returned to the Examiner for

- 1) generate a revised Examiner's Answer in accordance with the new rules effective September 13, 2004, wherein the new ground of rejection has been approved by a Technology Center Director or his designee in compliance with 37 CFR §41.39; and
- 2) for any further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read "Dale M. Shaw", is written over a horizontal line.

DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

DMS/dpv

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